

Message Text

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53

ACTION EUR-25

INFO OCT-01 ADP-00 SS-15 NSC-10 CIAE-00 PM-09 INR-10 L-03

NEA-10 NSAE-00 PA-03 RSC-01 PRS-01 GAC-01 USIA-12

TRSE-00 MBFR-03 SAJ-01 H-02 IO-12 ACDA-19 DODE-00

EURE-00 RSR-01 /139 W

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P 181300 Z MAY 73

FM USMISSION BERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 1830

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L BERLIN 0865

E. O. 11652: GDS

TAGS: PGOV, PFOR, GW, GE, WB

SUBJECT: DRAFT BK/ L ON BASIC TREATY AND INNER- GERMAN ARRANGEMENTS

REF: A) BERLIN 632; B) BONN 5117; C) STATE 86587

1. WE ARE TRANSMITTING IN PARA 2 BELOW FOR CONSIDERATION
BY EMBASSIES AND BONN GROUP REVISED DRAFT OF BK/ L
ON EXTENSION TO BERLIN OF BASIC TREATY AND INNER-
GERMAN ARRANGEMENTS. DRAFT IS BASED UPON TEXT DEVELOPED
BY MISSION (REF A) AND HAS BEEN APPROVED BY UK MISSION
AND, AT TECHNICAL LEVEL (LEGAL ADVISER), BY FRENCH MISSION.
CONSISTENT WITH VIEWS EXPRESSED BY BONN GROUP (REF B), IT
IS FORMULATED WITHIN TERMS OF BKC/ L(52)6, LONG- STANDING
BASIC ALLIED LEGISLATION ON EXTENSION TO BERLIN OF
INTERNATIONAL AGREEMENTS CONCLUDED BY FRG. IT DOES NOT SEEK,
AS DID EARLIER DRAFT, TO DEVELOP NEW RULES APPLICABLE ONLY
TO INNER- GERMAN AGREEMENTS. SINCE AGREEMENTS BETWEEN FRG
AND GDR CAN BE EXPECTED, HOWEVER, TO HAVE CONSIDERABLY
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GREATER PRACTICAL SIGNIFICANCE FOR WEST BERLIN THAN FRG AGREEMENTS WITH MORE DISTANT STATES, IT WAS DEEMED APPROPRIATE TO CITE AND TO SOME EXTENT ELABORATE UPON THOSE ELEMENTS OF BKC/ L(52)6 THAT EMPHASIZE IMPORTANCE OF EARLY AND THROUGH CONSULTATION BETWEEN GERMANS AND ALLIES.

2. TEXT OF DRAFT BK/ L IS AS FOLLOWS:

QUOTE: SUBJECT: INNER GERMAN AGREEMENTS

"1. THE ALLIED KOMMANDATURA RAISES NO OBJECTION TO THE APPLICATION TO BERLIN, SUBJECT TO THE RIGHTS AND RESPONSIBILITIES OF THE ALLIED AUTHORITIES FOR BERLIN, IN PARTICULAR THOSE INVOLVING SECURITY AND STATUS, OF THE LAW RELATING TO THE TREATY ON THE BASIS OF RELATIONS BETWEEN THE FRG AND THE GDR, WHICH CONTEMPLATES THE APPLICATION TO THE WESTERN SECTORS OF BERLIN OF CERTAIN CLAUSES OF THE TREATY AND OF ITS ATTACHED DOCUMENTS. THESE ARRANGEMENTS PROVIDE THAT THE AGREEMENTS AND REGULATIONS REFERRED TO IN ARTICLE 7 OF THE TREATY MAY, IN APPROPRIATE CASES, BE EXTENDED TO THE WESTERN SECTORS OF BERLIN AND THAT THE FEDERAL REPUBLIC'S PERMANENT MISSION TO THE GDR, PROVIDED FOR IN ARTICLE 8, WILL REPRESENT THE INTERESTS OF THE WESTERN SECTORS OF BERLIN.

"2. SUBJECT TO THE SAME RESERVATIONS, THE ALLIED KOMMANDATURA AUTHORIZES THE REPRESENTATION BY THE FRG OF THE INTERESTS OF THE WSB WITH REGARD TO THE GDR.

"3. SUBJECT TO THE ALLIED RIGHT OF CONTROL, THE ALLIED KOMMANDATURA IS READY ALSO TO AUTHORIZE THE EXTENSION TO THE WSB OF APPROPRIATE AGREEMENTS OF THE FRG WITH THE GDR UNDER THE PROCEDURES LAID DOWN IN BKC/ L(52)6, AS AMENDED. HOWEVER, IN VIEW OF THE PARTICULAR EFFECT FOR THE WESTERN SECTORS OF BERLIN WHICH THEIR INCLUSION IN FRG AGREEMENTS WITH THE GDR AND THE REPRESENTATION OF THEIR INTERESTS BY THE FRG WITH THE GDR MAY HAVE, THE ALLIED KOMMANDATURA CALLS THE SENAT'S ATTENTION TO THE IMPORTANCE OF PARAGRAPHS 1(A)5 AND 6 AND PARAGRAPH 1(B) OF ANNEX A TO BKC/ L(52)6. IN PARTICULAR, THE SENAT SHOULD UNDERTAKE TO NOTIFY AND CONSULT WITH THE ALLIED

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KOMMANDATURA IN TIMELY FASHION ON INNER- GERMAN NEGOTIATIONS IN THE RESULTS OF WHICH THE WESTERN SECTORS OF BERLIN MIGHT APPROPRIATELY BE INCLUDED; IT SHOULD ENDEAVOR TO HAVE THE RESULTS OF ANY CONSULTATIONS WITH ALLIED AUTHORITIES TAKEN INTO ACCOUNT IN THE DEVELOPMENT OF THE AGREEMENTS OR UNDERTAKINGS IN QUESTION; AND IT SHOULD AT THE EARLIEST OPPORTUNITY INFORM AND CONSULT WITH THE

ALLIED KOMMANDATURA ABOUT OTHER MATTERS INVOLVING THE
REPRESENTATION OF THE INTERESTS OF THE WESTERN SECTORS OF
BERLIN WITH RESPECT TO THE GDR THAT ARE OF PARTICULAR
SIGNIFICANCE BUT DO NOT NECESSARILY INVOLVE THE
NEGOTIATION OF FORMAL AGREEMENTS OR UNDERTAKINGS. END QUOTE.

3. MISSION IS PREPARED TO PROCEED ON PRIORITY BASIS WITH
APPROPRIATE TRIPARTITE CONSULTATIONS WITH SENAT AND TO
ISSUE BK/ L AS ENVISAGED BY DEPARTMENT (REF C). KLEIN

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